

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

THELMA JONES, PRIYIA LACEY, FAISA
ABDI, ALI ALI, RUKIYA HUSSEIN, LUCIA
PORRAS, DAVID TROTTER-FORD, AND
SOMALI COMMUNITY RESETTLEMENT
SERVICES, INC.,

Plaintiffs,

v.

CITY OF FARIBAULT,

Defendant.

Case No. 18-CV-01643 (JRT/HB)

MOTION TO COMPEL

Plaintiffs Thelma Jones, Priyia Lacey, Faisa Abdi, Ali, Rukiya Hussein, Lucia Porras, David Trotter-Ford, and Somali Community Resettlement Services, Inc. (“Plaintiffs”) in the above-named case hereby move the United States District Court, District of Minnesota for an Order to: compel Defendant, the City of Faribault (“Defendant” or “City”), to produce (1) documents the City has withheld on unproven claims of privilege and (2) occupancy registers for rental dwellings in the City of Faribault, pursuant to Fed. R. Civ. P. 37(a)(3)(iv) because:

1. The first request in this motion should be granted because the City is withholding 214 documents or portions thereof on unproven claims of attorney-client privilege. The City’s privilege log provides insufficient information to assess the validity of its privilege claims, in violation of Fed. R. Civ. P. 26(b)(5)(ii) and the Court’s Scheduling Order (ECF

21-1, ¶ 4). Given the time and effort Plaintiffs have spent addressing this issue, including bringing this motion, and the City's unjustified delays in producing a revised log—despite acknowledging the need for one—the Court should deem the City's privilege claims waived and order it to produce all documents listed on its log.

2. The second request in this motion should be granted because the City's objection to Plaintiffs' request is without merit, i.e., the registers are within the City's control and the City has not provided any evidence, despite Plaintiff's invitation, to substantiate its view that producing the registers is too burdensome.

Said Motion is based upon the attached Memorandum of Law, Exhibits A-E and all of the files, records, and proceedings herein.

Date: April 10, 2019

Respectfully,

/s/ Alejandro A. Ortiz

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